

Case 3:07-cv-03605-PJH Document 132-2 Filed 08/27/2008 Page 1 of 40

EXHIBIT 1

Adopted 7/16/2001 – Effective 8/15/2001
(Includes amendments effective through 2007)

City of San Leandro Zoning Code - Article 1

SAN LEANDRO ZONING CODE

PART I - GENERAL PROVISIONS

Article 1 Title, Components, and Purposes

Sections:

1-100	Title
1-102	Components
1-104	Purposes

1-100 Title

These regulations and standards shall be known and cited as the "Zoning Code of the City of San Leandro," or "Zoning Code."

1-102 Components

The Zoning Code shall have the following components:

- A. Regulations, known as the zoning regulations, establishing various classes of zoning districts governing the use of land and the placement of buildings and improvements within districts and providing for the administration and amendment of the Zoning Code.
- B. A map or set of maps, known as the zoning map, delineating the boundaries of zoning districts within the City of San Leandro.

A copy of the zoning regulations and the zoning map, together with a record of all amendments, shall be kept on file with the City Clerk and shall constitute the original record. A copy of the zoning regulations and zoning map currently in effect also shall be kept on file with the Zoning Enforcement Official.

1-104 Purposes

The broad purposes of the Zoning Code are to protect and promote the public health, safety, and general welfare, and to implement the policies of the City of San Leandro General Plan and any adopted Specific Plan or Redevelopment Plan, as provided in the California Government Code, Title 7, Chapters 3 and 4 and in the California Constitution, Chapter 11, Section 7. More specifically, the Zoning Code is intended to:

AR.1
Page 1 of 2

EXHIBIT 1

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2007)

City of San Leandro Zoning Code - Article 1

- A. Provide a precise guide for the physical development of the City in accord with the policies of the General Plan and any adopted Specific Plan or Redevelopment Plan in order to:
 - 1. Preserve the character and quality of residential neighborhoods and commercial and industrial areas consistent with the character of the development districts of the City;
 - 2. Foster convenient, harmonious, and workable relationships among land uses; and
 - 3. Achieve progressively the land development described in the General Plan.
- B. Promote the economic stability of existing land uses that are consistent with the development policies of the General Plan and protect them from intrusions by inharmonious or harmful land uses.
- C. Prevent excessive population densities and overcrowding of land or buildings.
- D. Ensure the provision of adequate open space for light, air, and fire safety.
- E. Reduce the risk of injury or exposure to hazard of people and property.
- F. Permit the development of office, commercial, industrial, and related land uses that are consistent with the General Plan in order to strengthen the City's economic base.
- G. Require the provision of adequate off-street parking and loading facilities, and promote a safe, effective traffic circulation system.
- H. Ensure that service demands of new development will not exceed the capacities of existing streets, utilities, or public services.
- I. Conserve and enhance the City's architectural and cultural resources.
- J. Conserve and enhance key visual features of San Leandro's setting, including the hillsides and bay front, consistent with the General Plan.
- K. Improve the design and aesthetic quality of new and existing development.
- L. Provide for the elimination, over time, of land uses and structures that are inconsistent with the policies of the General Plan and adversely affect other property or uses.

Case 3:07-cv-03605-PJH Document 132-2 Filed 08/27/2008 Page 4 of 40

EXHIBIT 2

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2008)

City of San Leandro Zoning Code - Article 3

Article 3 Definitions

Sections:

- 1-300 Purpose and Applicability
- 1-302 Rules for Construction of Language
- 1-304 Definitions
- 1-306 Responsibilities

1-300 Purpose and Applicability

The purpose of this article is to ensure precision in interpretation of the zoning regulations. The meaning and construction of words and phrases defined in this article shall apply throughout the zoning regulations, except where the context clearly indicates a different meaning or construction.

1-302 Rules for Construction of Language

In addition to the general provisions of the Municipal Code, the following rules of construction shall apply:

- A. The particular shall control the general.
- B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - 1. "And" indicates that all connected words or provisions shall apply.
 - 2. "Or" indicates that the connected words or provisions may apply singly or in any combination.
 - 3. "Either . . . or" indicates that the connected words or provisions shall apply singly, but not in combination.
- C. In case of conflict between the text and a diagram, the text shall control.
- D. All references to departments, commissions, boards, or other public agencies are to those of the City of San Leandro, unless otherwise indicated.
- E. All references to public officials are to those of the City of San Leandro, and include designated deputies of such officials, unless otherwise indicated.

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2008)

City of San Leandro Zoning Code - Article 3

- F. All references to days are to calendar days unless otherwise indicated. If a deadline falls on a weekend or holiday, it shall be extended to the next working day.
- G. Article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section hereof.
- H. Unless the context clearly indicates the contrary:
 - 1. The present tense includes the future, and the future the present.
 - 2. The singular number includes the plural, and the plural the singular.
 - 3. References in the masculine and feminine genders are interchangeable.
 - 4. The words "activities" and "facilities" include any part thereof.

1-304 Definitions

Abate. To bring into conformity with the provisions of this code, either by reconstruction or modification pursuant to a valid permit, or by removal or obliteration as directed by the Chief Building Official or Zoning Enforcement Official.

Abutting or Adjoining. Having district boundaries or lot lines in common.

Accessory Dwelling Unit. See "Secondary Dwelling Unit."

Accessory Uses and Structures. Uses and structures that are incidental to the principal permitted or conditionally permitted use or structure on a site and are customarily found on the same site. This classification includes, for example, home occupations, and caretaker's quarters as defined in this Code.

Acre, Gross. A measure of land area prior to division or dedication for streets, public improvements, or other purposes.

Acre, Net. A measure of developable land area, after excluding existing dedicated rights-of-way and flood control and drainage easements.

Adult-Oriented Business. "Adult-Oriented Business" means any of the following:

- A. **Adult Arcade.** An establishment where, for any form of consideration, one or more still or motion picture projectors or similar machines, for viewing by five (5) or fewer persons each, are used to show films, computer-generated images, motion pictures, video cassettes, slides, or

Case 3:07-cv-03605-PJH Document 132-2 Filed 08/27/2008 Page 7 of 40

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2008)

City of San Leandro Zoning Code - Article 3

Assembly Uses. Meeting, recreational, social facilities of a private or non-profit organization primarily for use by member or guests, or facilities for religious worship and incidental religious education (but not including schools as defined in this section). This classification includes union halls, social clubs, fraternal organizations, and youth centers.

Assembly Uses, Temporary. Meeting, recreational, social facilities of a private or non-profit organization primarily for use by member or guests, or facilities for religious worship and incidental religious education (but not including schools as defined in this section) on a site that is not permanently occupied by an assembly use, for a period of not more than thirty (30) days.

Automatic Teller Machine. Automatic banking terminals directly accessible to the public outside of an enclosed building.

Automobile Parts Sales. The retail sale of new automotive parts and accessories (excluding service and installation).

Automobile Rentals. See "Vehicle/Heavy Equipment Rental."

Automobile Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles.

Awning. A temporary shelter supported entirely from the exterior wall of a building and composed of rigid material or non-rigid material with a supporting framework.

Balcony. A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail balustrade or parapet.

Banks. See "Financial Institutions, Retail."

Barbed Wire. See "Razor/Barbed Wire."

Bars. Establishments that provide on-site alcoholic beverage sales for drinking on the premises and do not admit persons under the age of twenty-one (21). This classification includes businesses with Alcoholic Beverage Control (ABC) licenses of 40, 42, 48, 49 or 61.

Case 3:07-cv-03605-PJH Document 132-2 Filed 08/27/2008 Page 8 of 40

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2008)

City of San Leandro Zoning Code - Article 3

Card Room. A space, room or enclosure, furnished or equipped with one (1) or more tables used for the playing of cards or similar games, the use of which is available to the public or any portion of the public.

Caretaker's Quarters. A dwelling unit on the site of, and accessory to, a commercial, industrial, public, or semipublic use, occupied by a guard or caretaker.

Catering Services. Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption. (See also "Restaurants").

Cellar. See "Basement."

Cemeteries. Establishments where the remains of the dead may be kept indefinitely, whether underground or aboveground. This classification includes mausoleums and columbaria.

Cessation of Use. The discontinuance or abandonment of a use, as determined by the Zoning Enforcement Official.

Check-Cashing Business. See "Financial Institutions, Check Cashing and Personal Loan Services."

Christmas Tree and Pumpkin Sales. Outdoor retail sales of Christmas trees between Thanksgiving week and December 26, and pumpkins during the month of October.

Circuses and Carnivals. Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of (7) days. This classification excludes events conducted in a permanent entertainment facility.

City. The City of San Leandro.

Coin-Operated Laundry and Coin-operated Dry Cleaning Businesses. Any dry cleaning or laundry establishment that provides self-service machines or is not attended.

Commercial Filming. Commercial motion picture or video photography.

Commercial Parking Facility. Lots offering short-term or long-term parking to the public for a fee.

Commercial Recreation. Provision of participant or spectator recreation or entertainment. This classification includes amusement parks, bowling alleys, ice/roller skating rinks, golf courses, miniature golf courses, and scale-model courses.

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2008)

City of San Leandro Zoning Code - Article 3

Dwelling Unit. One (1) room, or a series of rooms, that are interconnected via habitable interior spaces, that provides not more than one (1) kitchen and one (1) or more bathrooms, and is intended for occupancy by a single housekeeping unit. An individual dwelling unit is characterized by a single main pedestrian entry, with all other points of entry being visually subordinate.

Emergency Health Care. Facilities providing emergency medical service with no provision for continuing care on an inpatient basis.

Entertainment Activities. Regulations pertaining to Entertainment Activities, defined as a use classification by this Code, apply to the following activities where they occur on a scheduled basis (3) or more days during a calendar year on the site of any permitted or conditionally permitted use, excluding activities for the non-profit, charitable or educational proposes of public or private institutional uses.

- A. A musical, theatrical, wrestling, dance recital, cabaret, or comedy act performed by one (1) or more persons, regardless of whether performers are compensated;
- B. Any form of dancing by patrons or guests at a business establishment not otherwise regulated as either a "Dance Hall" or an "Instruction and Improvement Services" use classification;
- C. A fashion show, except when conducted within an enclosed building used primarily for the manufacture or sale of clothing.
- D. Any form of recorded entertainment using amplified recorded music, such as karaoke systems.
- E. Televised events, with such features as "big screen" projection systems.

Equipment Sales. The sale of large products for commercial and industrial use, e.g. X-ray machines, photocopy machines, etc.

Establishment of an Adult-Oriented Business. As used herein, to establish an adult-oriented business shall mean and include any of the following:

- A. The opening or commencement of any Adult-Oriented Business as a new business;
- B. The conversion of an existing business, whether or not an Adult-Oriented Business, to any Adult-Oriented Business defined herein;
- C. The addition of any of the Adult-Oriented Businesses defined herein to any other existing Adult-Oriented Business;

Case 3:07-cv-03605-PJH Document 132-2 Filed 08/27/2008 Page 10 of 40

EXHIBIT 3

Case 3:07-cv-03605-PJH Document 132-2 Filed 08/27/2008 Page 11 of 40

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2007)

City of San Leandro Zoning Code, Article 5

PART II – BASE DISTRICT REGULATIONS

Article 5 Residential Districts

Sections:

- 2-500 Specific Purposes
- 2-502 Reserved

Use Regulations

- 2-504 RO District – Use Regulations
- 2-506 RS District – Use Regulations
- 2-508 RD District – Use Regulations
- 2-510 RM District – Use Regulations
- 2-512 Additional Use Restrictions: RO, RS, RD, and RM Districts
- 2-514 Home Occupation in an R District
- 2-516 Large Family Day Care Homes
- 2-518 Residential Congregate Care Facilities
- 2-520 Maximum Dwelling Unit Occupancy
- 2-522 RO District - Animal Husbandry
- 2-524 Reserved

Development Regulations

- 2-526 Property Development Regulations: RO, RS, RD, & RM Districts
- 2-528 Base Density: Minimum Site Area per Unit
- 2-530 Minimum Lot Area
- 2-532 Minimum Lot Width
- 2-534 Minimum Yards
- 2-536 Maximum Height of Structures
- 2-537 Daylight Planes in R Districts
- 2-538 Maximum Lot Coverage
- 2-539 Maximum Floor Area Ratio (FAR)
- 2-540 Additional Property Development Regulations: RO, RS, RD, and RM Districts
- 2-542 R Districts - Adjustments to Minimum Yard Requirements
- 2-544 Swimming Pools, Hot Tubs and Related Equipment
- 2-546 Accessory Structures in RS, RD and RM Districts
- 2-548 RO District - Applicability of Prior Code
- 2-550 RO District – Additional Setback and Lot Coverage Requirements
- 2-552 RO District – Accessory Structures
- 2-554 RO District- Additional Dwelling Units
- 2-556 RM District - Multi-Family Dwellings, Requirements for Courts Opposite Windows
- 2-558 RM District - Multi-Family Dwellings, Requirements for Open Space

AR.5

Page 1 of 53

EXHIBIT 3

011

Case 3:07-cv-03605-PJH Document 132-2 Filed 08/27/2008 Page 12 of 40

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2007)

City of San Leandro Zoning Code, Article 5

- 2-560 RM District - Multi-Family Dwellings, Requirements for Planting Areas
- 2-562 RM District - Multi-Family Dwellings, Requirements for Storage Space
- 2-564 RM District - Multi-Family Dwellings, Requirements for Exterior Materials
- 2-566 Reserved
- 2-568 Manufactured Homes in R Districts
- 2-570 Manufactured Home Parks
- 2-572 Reserved

Discretionary Permits

- 2-574 Administrative Exceptions
- 2-576 Secondary Dwelling Units
- 2-578 Residential Site Plan Review – Measure of Floor Area and General Requirements
- 2-580 RO, RS and RS-40 Districts - Residential Site Plan Review
- 2-582 RS-VP Sub-District – Height Restrictions, Exceptions and View Preservation/Site Plan Review
- 2-584 RO and RS Districts – Overview of Residential Site Plan Review Requirements

2-500 Specific Purposes

In addition to the general purposes listed in Article 1, the specific purposes of residential districts are to:

- A. Provide appropriately located areas for residential development that are consistent with the General Plan and with standards of public health and safety established by the Municipal Code.
- B. Ensure adequate light, air, privacy, and open space for each dwelling, and protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental effects.
- C. Protect residential areas from fires, explosions, landslides, toxic fumes and substances, and other public safety hazards.
- D. Protect adjoining single-family residential districts from excessive loss of sun, light, quiet, and privacy resulting from proximity to new development.
- E. Achieve a high standard of site and building design and design compatibility with surrounding neighborhoods.
- F. Promote development of housing affordable by low- and moderate-income households by providing a density bonus for projects in which a portion of the units are affordable for such households.

Case 3:07-cv-03605-PJH Document 132-2 Filed 08/27/2008 Page 13 of 40

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2007)

City of San Leandro Zoning Code, Article 5

- G. Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment.
- H. Ensure the provision of public services and facilities needed to accommodate planned population densities.

The additional purposes of each R Residential District are:

RO Residential Outer District. To provide opportunities for additional single- and two-family dwellings on larger lots, subject to appropriate standards and to permit horticulture, animal husbandry, and small-scale truck gardening within limitations consistent with the basic residential character of the district.

RS Residential Single-Family District. To provide opportunities for single-family residential land use in neighborhoods, subject to appropriate standards. There are two sub-districts of the RS district. One, indicated by a "-40" designation, is intended for areas where the minimum front yard setback is forty (40) feet. The other, indicated by a -VP, is intended for "view preservation", where the maximum height limit is eighteen (18) feet and all new homes and additions are subject to discretionary review to prevent unreasonable blockage of views.

RD Residential Duplex District. To provide opportunities for two-family housing at appropriate locations.

RM Residential Multi-Family District. To provide opportunities for multiple residential uses, including town houses, condominiums, multi-dwelling structures, or cluster housing with landscaped open space for residents' use, and apartments. Single-family and duplex dwellings are permitted uses in these districts. Four types of multi-family districts are established:

RM-3000 District, where the density is 14.5 dwellings per gross acre.

RM-2500 District, where the density is 17.5 dwellings per gross acre.

RM-2000 District, where the density is 22 dwellings per gross acre.

RM-1800 District, where the density is 24 dwellings per gross acre.

2-502 Reserved

Use Regulations

2-504 RO District – Use Regulations

Case 3:07-cv-03605-PJH Document 132-2 Filed 08/27/2008 Page 14 of 40

Adopted 7/16/2001 – Effective 8/15/2001
 (includes amendments effective through 2007)

City of San Leandro Zoning Code, Article 5

A. RO District – Permitted Uses.

The following uses are allowed in the RO District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a permitted use.
2. Animal Husbandry. (Subject to the regulations of Section 2-522: RO District - Animal Husbandry)
3. Day Care, Large Family. (Subject to the regulations of Section 2-516: Large Family Day Care Home.)
4. Day Care, Limited.
5. Garage and Yard Sales. (Limited to two (2) times per year on the premises of the property owner or a residential property in the immediate vicinity.)
6. Horticulture, Limited.
7. Park and Recreation Facilities, Public.
8. Residential Congregate Care Facilities. (Subject to the regulations of Section 2-518: Residential Congregate Care Facilities.)
9. Residential Congregate Care Facilities, Limited.
10. Single-Family Residential.
11. Additional Residential Dwelling Units. (Subject to the regulations of Section 2-554: RO District – Additional Dwelling Units.)
12. Utilities, Minor.

B. RO District – Conditionally Permitted Uses.

The following uses are allowed in the RO District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classifications.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. Assembly Uses.
3. Day Care, General.
4. Park and Recreation Facilities, Private Noncommercial.
5. Public Safety Facilities.
6. Schools, Public or Private.
7. Telecommunications Antennae and/or Alternative Tower Structures [see Section 4-1686: Wireless Telecommunication Facilities {as per Ordinance No. 98-009}].
8. Utilities, Major.

C. RO District – Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RO District, subject to the regulations of Section 5-2222: Temporary Use Permits.

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2007)

City of San Leandro Zoning Code, Article 5

1. Assembly Uses, Temporary.
2. Commercial Filming, Limited.
3. Street and Neighborhood Fairs.

2-506 RS District – Use Regulations

A. RS District – Permitted Uses.

The following uses are allowed in the RS District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a permitted use.
2. Day Care, Large Family. (Subject to the regulations of Section 2-516: Large Family Day Care Homes.)
3. Day Care, Limited.
4. Garage and Yard Sales. (Limited to two (2) times per year on the premises of the property owner or a residential property in the immediate vicinity.)
5. Park and Recreation Facilities, Public.
6. Residential Congregate Care Facilities. (Subject to the regulations of Section 2-518: Residential Congregate Care Facilities.)
7. Residential Congregate Care Facilities, Limited.
8. Single-Family Residential.
9. Two-Family Residential, Pre-Existing. (These pre-existing two-family residential uses shall be allowed to remain and shall not be considered non-conforming, but no new uses shall be established.)
10. Utilities, Minor.

B. RS District – Conditionally Permitted Uses.

The following uses are allowed in the RS District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. Assembly Uses.
3. Day Care, General.
4. Park and Recreation Facilities, Private Noncommercial.
5. Public Safety Facilities.
6. Schools, Public or Private.
7. Secondary Dwelling Units. (Subject to the regulations of Section 2-576: Secondary Dwelling Units.)
8. Swim and Tennis Clubs.

Case 3:07-cv-03605-PJH Document 132-2 Filed 08/27/2008 Page 16 of 40

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2007)

City of San Leandro Zoning Code, Article 5

9. Telecommunications Antennae and/or Alternative Tower Structures [see Section 4-1686: Wireless Telecommunication Facilities {as per Ordinance No. 98-009}].
10. Utilities, Major.

C. RS District – Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RS District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Assembly Uses, Temporary.
2. Commercial Filming, Limited.
3. Street and Neighborhood Fairs.

2-508 RD District – Use Regulations

A. RD District – Permitted Uses.

The following uses are allowed in the RD District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a permitted use.
2. Day Care, Large Family. (Subject to the regulations of Section 2-516: Large Family Day Care Homes.)
3. Day Care, Limited.
4. Garage and Yard Sales. (Limited to two (2) times per year on the premises of the property owner or a residential property in the immediate vicinity.)
5. Park and Recreation Facilities, Public.
6. Residential Congregate Care Facilities. (Subject to the regulations of Section 2-518: Residential Congregate Care Facilities.)
7. Residential Congregate Care Facilities, Limited.
8. Single-Family Residential.
9. Two-Family Residential.
10. Utilities, Minor.

B. RD District – Conditionally Permitted Uses.

The following uses are allowed in the RD District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. Assembly Uses.
3. Day Care, General.

Case 3:07-cv-03605-PJH Document 132-2 Filed 08/27/2008 Page 17 of 40

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2007)

City of San Leandro Zoning Code, Article 5

4. Park and Recreation Facilities, Private Noncommercial.
5. Public Safety Facilities.
6. Schools, Public or Private.
7. Swim and Tennis Clubs.
8. Telecommunications Antennae and/or Alternative Tower Structures [see Section 4-1686: Wireless Telecommunication Facilities {as per Ordinance No. 98-009}].
9. Utilities, Major.

C. RD District – Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RD District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Assembly Uses, Temporary.
2. Commercial Filming, Limited.
3. Street and Neighborhood Fairs.

2-510 RM District – Use Regulations

A. RM District – Permitted Uses.

The following uses are allowed in the RM District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a permitted use.
2. Day Care, Large Family. (Subject to the regulations of Section 2-516: Large Family Day Care Homes.)
3. Day Care, Limited.
4. Garage and Yard Sales. (Limited to two (2) times per year on the premises of the property owner or a residential property in the immediate vicinity.)
5. Multi-Family Residential.
6. Park and Recreation Facilities, Public.
7. Residential Congregate Care Facilities. (Subject to the regulations of Section 2-518: Residential Congregate Care Facilities.)
8. Residential Congregate Care Facilities, Limited.
9. Single-Family Residential.
10. Two-Family Residential.
11. Utilities, Minor.

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2007)

City of San Leandro Zoning Code, Article 5

B. RM District – Conditionally Permitted Uses.

The following uses are allowed in the RM District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. Assembly Uses.
3. Bed and Breakfast Inns.
4. Day Care, General.
5. Group Housing.
6. Manufactured Home Parks.
7. Park and Recreation Facilities, Private Noncommercial.
8. Public Safety Facilities.
9. Schools, Public or Private.
10. Swim and Tennis Clubs.
11. Telecommunications Alternative Tower Structures [see Section 4-1686: Wireless Telecommunication Facilities {as per Ordinance No. 98-009}].
12. Utilities, Major.

C. RM District – Uses Requiring Administrative Review.

The following uses are allowed in the RM District, subject to the approval of a Zoning Permit by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Telecommunications Antennae [see Section 4-1686: Wireless Telecommunication Facilities {as per Ordinance No. 98-009}].

D. RM District – Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RM District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Assembly Uses, Temporary.
2. Commercial Filming, Limited.
3. Street and Neighborhood Fairs.

2-512 Additional Use Restrictions: RO, RS, RD, and RM Districts

All uses not listed as permitted, conditionally permitted, subject to administrative review, or subject to site development review are prohibited, unless a determination is made by the Zoning Enforcement Official pursuant to Section 5-2106: Uses Not Listed.

In addition to the uses listed above, the following regulations shall apply:

Case 3:07-cv-03605-PJH Document 132-2 Filed 08/27/2008 Page 19 of 40

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2007)

City of San Leandro Zoning Code, Article 5

- A. Home Occupations are subject to the regulations of Section 2-514: Home Occupation in R Districts.
- B. Nonconforming Uses are subject to the regulations of Article 20: Nonconforming Uses and Structures.

2-514 Home Occupation in R Districts

- A. Permit Required. A home occupation in a residential use shall require a home occupation permit, obtained by filing a completed application form with the Zoning Enforcement Official. The Zoning Enforcement Official shall issue the permit upon determining that the proposed home occupation complies with the requirements of this Section.
- B. Contents of Application. An application for a home occupation permit shall contain:
 - 1. The name, address, and telephone number of the applicant;
 - 2. A complete description of the proposed home occupation, including, but not limited to the number and occupation of persons employed or persons retained as independent contractors, or otherwise engaged or participating in the business, amount of floor space occupied, provisions for storage of materials, and number and type of vehicles or equipment used.
- C. Required Conditions. Home occupations shall comply with the following regulations:
 - 1. No one other than a resident of the dwelling shall be employed on site or report to work at the site in the conduct of a home occupation. This prohibition also applies to independent contractors.
 - 2. There shall be no interior or exterior activity related to the home occupation inconsistent with or interfering with residential use of the property or detrimental to property in the vicinity.
 - 3. A home occupation shall be conducted entirely within a building and shall occupy no more than the lesser of five hundred (500) square feet or twenty-five percent (25%) of the floor area. No outdoor storage of materials or supplies shall be permitted in conjunction with the home occupation.
 - 4. The existence of a home occupation shall not be apparent beyond the boundaries of the site, and no home occupation shall involve the use of a sign.

AR.5
Page 9 of 53

Case 3:07-cv-03605-PJH Document 132-2 Filed 08/27/2008 Page 20 of 40

EXHIBIT 4

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2008)

City of San Leandro Zoning Code - Article 7

Article 7 I Industrial Districts

Sections:

2-700	Specific Purposes
2-702	Reserved

Use Regulations

2-704	IL District – Use Regulations
2-706	IG District – Use Regulations
2-708	IP District – Use Regulations
2-710	Reserved
2-714	Reserved
2-716	Reserved
2-718	Reserved
2-720	Reserved
2-722	Reserved
2-724	Reserved
2-726	Additional Use Restrictions: IL, IG, and IP Districts

Development Regulations

2-728	Property Development Regulations: IL, IG, and IP Districts
2-730	Minimum Lot Area and Minimum Lot Width
2-732	Minimum Yards
2-734	Maximum Height of Structures
2-736	Maximum Lot Coverage and Maximum FAR
2-738	Minimum Site Landscaping
2-740	Parcels Adjoining Residential Districts – Additional Development Requirements for New Construction
2-741	Parcels Adjoining Residential Districts – Additional Performance Standards
2-742	Additional Property Development Regulations: IL, IG, and IP Districts
2-744	Review of Plans

2-700 Specific Purposes

In addition to the general purposes listed in Article 1, "Title, Components and Purposes," the specific purposes of the industrial district regulations are to:

- A. Provide appropriately located areas consistent with the General Plan for a broad range of manufacturing, distribution and storage, and service uses.

Case 3:07-cv-03605-PJH Document 132-2 Filed 08/27/2008 Page 22 of 40

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2008)

City of San Leandro Zoning Code - Article 7

- B. Strengthen the City's economic base, and provide employment opportunities close to home for residents of the City and surrounding communities.
- C. Provide a suitable environment for various types of industrial uses, and protect them from the adverse impacts of inharmonious uses.
- D. Encourage adaptive reuse of existing industrial buildings.
- E. Ensure high quality site and building design for new or reused buildings, and that the appearance and effects of industrial uses are compatible with the character of the area in which they are located.
- F. Minimize the impact of industrial uses on adjacent residential districts.
- G. Ensure the provision of adequate off-street parking and loading facilities.

The additional purposes of each I district are as follows:

IL Industrial Limited District. To provide areas appropriate for a wide range of (1) low- to moderate- intensity industrial uses capable of being located adjacent to residential areas through provision of adequate buffering and attenuation measures and; (2) commercial services and light manufacturing, and to protect these areas, to the extent feasible, from disruption and competition for space from unrelated retail or commercial uses or general industrial uses. Conversion of buildings and sites to general office use is not permitted.

IG Industrial General District. To provide and protect existing industrial sites and allow for continued operation of existing general industry, subject to performance standards and buffering requirements to minimize potential environmental impacts. Certain types of retail sales are permitted under specified limitations.

IP Industrial Park District. To provide and protect industrial lands for the development in a landscaped setting of communities of high technology, research and development facilities, limited industrial activities (including production and assembly but not raw materials processing or bulk handling), small-scale warehousing and distribution, industrial office centers, certain types of specified retail sales, and related uses.

2-702 Reserved

Case 3:07-cv-03605-PJH Document 132-2 Filed 08/27/2008 Page 23 of 40

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2008)

City of San Leandro Zoning Code - Article 7

Use Regulations

2-704 IL District – Use Regulations

(In the 'S' Overlay District, permitted uses may require a Conditional Use Permit if not regional retail, new auto sales, or other compatible regional market use.)

A. IL District – Permitted Uses.

The following uses are allowed in the IL District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses, other than Entertainment Activities, when in conjunction with a permitted use.
2. Adult-Oriented Business. (Subject to the requirements and limitations prescribed in Section 4-1683: Adult-Oriented Business Regulations.)
3. Ambulance Services. (If the proposed use is located within one thousand (1,000) feet of either an R District or the boundaries of a site occupied by a public or private school or park and recreation facility, a use permit shall be required.)
4. Animal Hospitals.
5. Artists' Studios.
6. Building Materials and Services. (Permitted if the proposed use is within an enclosed structure. A use permit is required for outdoor yard/storage.)
7. Business Services.
8. Business and Trade Schools.
9. Catering Services.
10. Communications Facilities.
11. Equipment Sales.
12. Food Processing, Limited.
13. Health and Fitness Centers.
14. Home Improvement and Interior Decoration.
15. Industry, Custom.
16. Industry, Limited.
17. Industry, Research, and Development.
18. Laboratories.
19. Maintenance and Repair Services.
20. Marine Sales and Services.
21. Medical Supply Stores.
22. Nurseries.
23. Offices, Business, and Professional. (Note: The conversion of an industrial use to an office use is subject to the minimum off-street parking requirements of Section 4-1704; as prescribed of use by subsections 4-1702.A.1 & 2)

Adopted 7/16/2001 – Effective 8/15/2001
(Includes amendments effective through 2008)

City of San Leandro Zoning Code - Article 7

24. Parcel Processing and Shipping Centers. (If the proposed use is to occupy thirty thousand (30,000) square feet or more, in a building constructed after August 15, 2001, Administrative Review is required, per Subsection C.2 below.)
25. Pre-existing residential uses. (These residential uses shall be allowed to remain and shall not be considered non-conforming, but no new uses shall be established.)
26. Research and Development Services.
27. Telecommunications Antennae and/or Alternative Tower Structures up to thirty-five (35) feet in height. [See Section 4-1686: Wireless Telecommunication Facilities {as per Ordinance No. 98-009}].
28. Utilities, Minor.
29. Vehicle/Heavy Equipment Dealers, New.
30. Warehouse – Storage Facilities. (If the proposed use will occupy a building constructed after August 15, 2001, or an existing building will be expanded ten thousand (10,000) square feet to accommodate this use, a use permit is required, per Subsection B.32 below.)
31. Warehouse - Wholesale/Retail Distribution Facilities.

B. IL District – Conditionally Permitted Uses.

The following uses are allowed in the IL District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditional use.
2. Automobile Parts Sales.
3. Bars.
4. Cafés.
5. Commercial Recreation.
6. Corporation Yards.
7. Day Care, General.
8. Drive-up Facilities.
9. Emergency Health Care.
10. Entertainment Activities. (Entertainment Activities, when provided either as a primary use or as an accessory use to permitted and conditionally permitted uses, require use permit approval.)
11. Farmers' Market.
12. Fast Food Establishments, Large Scale.
13. Fast Food Establishments, Small Scale.
14. Financial Institutions, Retail.
15. Food Processing, General.
16. Furniture, Electronics and Appliance Sales.
17. Industry, Hazardous Materials or Hazardous Waste. (Provided that the use is consistent with the Alameda County Hazardous Waste Management Plan and the San Leandro General Plan.)

Case 3:07-cv-03605-PJH Document 132-2 Filed 08/27/2008 Page 25 of 40

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2008)

City of San Leandro Zoning Code - Article 7

18. Massage Therapy.
19. Public Safety Facilities.
20. Public Storage.
21. Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
19. Recycling Facilities, Light Processing. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
20. Restaurants, Full-Service.
21. Retail Sales, Big Box.
22. Service Stations.
23. Small Scale Transfer and Storage Facilities for Hazardous Waste. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
24. Utilities, Major.
25. Vehicle/Equipment Repair, General.
26. Vehicle Equipment Repair, Limited.
27. Vehicle/Heavy Equipment Dealers, Used.
28. Vehicle/Heavy Equipment Rentals.
29. Vehicle Storage.
32. Warehouse – Storage Facilities. (A use permit is required if the proposed use will occupy a building constructed after August 15, 2001, or an existing building will be expanded ten thousand (10,000) square feet to accommodate this use.)

C. IL District – Uses Requiring Administrative Review.

The following uses are allowed in the IL District, subject to the approval of a Zoning Permit by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Automatic Teller Machines.
2. Parcel Processing and Shipping Centers. (Administrative Review is required to occupy thirty thousand (30,000) square feet or more, in a building constructed after August 15, 2001. Standards for review are specified in Section 2-726.G.)
3. Parking Lot.
4. Recycling Facilities, Bulk Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
5. Recycling Facilities, Single-Feed Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
6. Telecommunications Tower, exceeding thirty-five (35) feet in height. [See Section 4-1686: Wireless Telecommunication Facilities {as per Ordinance No. 98-009}].
7. Vehicle/Heavy Equipment Dealers Limited, Used.

Case 3:07-cv-03605-PJH Document 132-2 Filed 08/27/2008 Page 26 of 40

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2008)

City of San Leandro Zoning Code - Article 7

D. IL District – Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the IL District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Christmas Tree and Pumpkin Sales.
2. Commercial Filming.
3. Trade Fairs.

2-706 IG District – Use Regulations

A. IG District – Permitted Uses.

The following uses are allowed in the IG District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

(In the 'S' Overlay District, permitted uses may require a Conditional Use Permit if not regional retail, new auto sales, or other compatible regional market use.)

1. Accessory uses, other than Entertainment Activities, when in conjunction with a permitted use.
2. Adult-Oriented Business. (Subject to the requirements and limitations prescribed in Section 4-1683: Adult-Oriented Business Regulations.)
3. Ambulance Services. (If the proposed use is located within one thousand (1,000) feet of either an R District or the boundaries of a site occupied by a public or private school or park and recreation facility, a use permit shall be required.)
4. Artists' Studios.
5. Automobile Parts Sales.
6. Building Materials and Services. (Permitted if the proposed use is within an enclosed structure. A use permit is required for outdoor yard/storage.)
7. Business Services.
8. Business and Trade Schools.
9. Catering Services.
10. Communications Facilities.
11. Emergency Health Care.
12. Equipment Sales.
13. Food Processing, General.
14. Food Processing, Limited.
15. Health and Fitness Centers.
16. Home Improvement and Interior Decoration.
17. Industry, Custom.
18. Industry, General.
19. Industry, Limited.
20. Industry, Research and Development.

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2008)

City of San Leandro Zoning Code - Article 7

21. Laboratories.
22. Maintenance and Repair Services.
23. Marine Sales and Services.
24. Medical Supply Stores.
25. Nurseries.
26. Offices, Business and Professional.
27. Parcel Processing and Shipping Centers. (If the proposed use is to occupy thirty thousand (30,000) square feet or more, in a building constructed after August 15, 2001, Administrative Review is required, per subsection C.2 below.)
28. Pre-existing residential uses. (These residential uses shall be allowed to remain and shall not be considered nonconforming uses, but no new uses shall be established.)
29. Research and Development Services.
30. Retail Sales, Big Box.
31. Telecommunications Antennae and/or Alternative Tower Structures up to sixty (60) feet in height. [See Section 4-1686: Wireless Telecommunication Facilities {as per Ordinance No. 98-009}].
32. Utilities, Minor.
33. Vehicle/Heavy Equipment Dealers, New.
34. Warehouse – Storage Facilities. (If the proposed use will occupy a building constructed after August 15, 2001, or an existing building will be expanded ten thousand (10,000) square feet to accommodate this use, a use permit is required, per Subsection B.32 below.)
35. Warehouse - Wholesale/Retail Distribution Facilities.

B. IG District – Conditionally Permitted Uses.

The following uses are allowed in the IG District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditional use.
2. Bars.
3. Cafés.
4. Corporation Yards.
5. Day Care, General.
6. Drive-up Facilities.
7. Entertainment Activities. (Entertainment Activities, when provided either as a primary use or as an accessory use to permitted and conditionally permitted uses, require use permit approval).
8. Farmers' Market.
9. Fast Food Establishments, Large Scale.
10. Fast Food Establishments, Small Scale.
11. Financial Institutions, Retail.
12. Furniture, Electronics and Appliance Sales.
13. Industrial Transfer/Storage/Treatment Facilities for Hazardous Waste.

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2008)

City of San Leandro Zoning Code - Article 7

14. Industry, Hazardous Materials or Hazardous Waste. (Provided that the use is consistent with the Alameda County Hazardous Waste Management Plan and the San Leandro General Plan.)
15. Massage Therapy.
16. Public Safety Facilities.
17. Public Storage.
18. Recycling Facilities, Heavy Processing. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
19. Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
20. Recycling Facilities, Light Processing. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
21. Residuals Repositories for Hazardous Waste.
22. Restaurants, Full-Service.
23. Service Stations.
24. Small-Scale Transfer and Storage Facilities for Hazardous Waste. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
25. Transfer Stations.
26. Trucking Terminals.
27. Utilities, Major.
28. Vehicle/Equipment Repair, General.
29. Vehicle Equipment Repair, Limited.
30. Vehicle/Heavy Equipment Dealers, Used.
31. Vehicle/Heavy Equipment Rentals.
32. Vehicle Storage.
33. Warehouse - Storage Facilities. (A use permit is required if the proposed use will occupy a building constructed after August 15, 2001, or an existing building will be expanded ten thousand (10,000) square feet to accommodate this use.)

C. IG District – Uses Requiring Administrative Review.

The following uses are allowed in the IG District, subject to the approval of a Zoning Permit by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Automatic Teller Machines.
2. Parcel Processing and Shipping Centers. (Administrative Review is required to occupy thirty thousand (30,000) square feet or more, in a building constructed after August 15, 2001. Standards for review are specified in Section 2-726.G.)
3. Parking Lot.
4. Recycling Facilities, Bulk Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
5. Recycling Facilities, Single-Feed Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2008)

City of San Leandro Zoning Code - Article 7

6. Telecommunications Tower, exceeding sixty (60) in height. [See Section 4-1686: Wireless Telecommunication Facilities {as per Ordinance No. 98-009}].
7. Vehicle/Heavy Equipment Dealers Limited, Used.

D. IG District – Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the IG District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Animal Shows.
2. Christmas Tree and Pumpkin Sales.
3. Commercial Filming.
4. Trade Fairs.

2-708 IP District – Use Regulations

A. IP District – Permitted Uses.

The following uses are allowed in the IP District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

(In the 'S' Overlay District, permitted uses may require a Conditional Use Permit if not regional retail, new auto sales, or other compatible regional market use.)

1. Accessory uses, other than Entertainment Activities, when in conjunction with a permitted use.
2. Adult-Oriented Business. (Subject to the requirements and limitations prescribed in Section 4-1683: Adult-Oriented Business Regulations.)
3. Ambulance Services. (If the proposed use is located within one thousand (1,000) feet of either an R District or the boundaries of a site occupied by a public or private school or park and recreation facility, a use permit shall be required.)
4. Building Materials and Services. (Permitted if the proposed use is within an enclosed structure.)
5. Business Services.
6. Business and Trade Schools.
7. Communication Facilities.
8. Equipment Sales.
9. Food Processing, Limited.
10. Financial Institutions, Retail.
11. Health and Fitness Centers.
12. Home Improvement and Interior Decoration.
13. Industry, Custom.
14. Industry, Limited.
15. Industry, Research and Development.

Case 3:07-cv-03605-PJH Document 132-2 Filed 08/27/2008 Page 30 of 40

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2008)

City of San Leandro Zoning Code - Article 7

16. Laboratories.
17. Maintenance and Repair Services.
18. Medical Supply Stores.
19. Offices, Business and Professional. (The conversion of an industrial use to an office use is subject to the minimum off-street parking requirements of Section 4-1704; as prescribed for changes of use by subsections 4-1702.A.1 and 2.)
20. Parcel Processing and Shipping Centers. (If the proposed use is to occupy thirty thousand (30,000) square feet or more, in a building constructed after August 15, 2001, Administrative Review is required, per subsection C.2 below.)
21. Park and Recreational Facilities.
22. Pre-existing Residential Uses. (These residential uses shall be allowed to remain and shall not be considered nonconforming uses, but no new uses shall be established.)
23. Research and Development Services.
24. Retail Sales, Big Box.
25. Retail Services. (As a secondary use in a building.)
26. Telecommunications Antennae and/or Alternative Tower Structures up to thirty-five (35) feet in height. [See Section 4-1686: Wireless Telecommunication Facilities {as per Ordinance No. 98-009}].
27. Utilities, Minor.
28. Vehicle/Heavy Equipment Dealers, New.
29. Warehouse – Storage Facilities. (If the proposed use will occupy a building constructed after August 15, 2001, or an existing building will be expanded ten thousand (10,000) square feet to accommodate this use, a use permit is required, per Subsection B.22 below.)
30. Warehouse - Wholesale/Retail Distribution Facilities. (Permitted if the proposed use is within an enclosed structure.)

B. IP District – Conditionally Permitted Uses.

The following uses are allowed in the IP District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditional use.
2. Automobile Parts Sales.
3. Bars.
4. Cafés.
5. Commercial Recreation.
6. Day Care, General.
7. Drive-up Facilities.
8. Emergency Health Care.

Case 3:07-cv-03605-PJH Document 132-2 Filed 08/27/2008 Page 31 of 40

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2008)

City of San Leandro Zoning Code - Article 7

9. Entertainment Activities. (Entertainment Activities, when provided either as a primary use or as an accessory use to permitted and conditionally permitted uses, require use permit approval.)
10. Farmers' Market.
11. Fast Food Establishments, Large Scale.
12. Fast Food Establishments, Small Scale.
13. Food Processing, General.
14. Furniture, Electronics, and Appliance Sales.
15. Industry, General.
16. Industry, Hazardous Materials, or Hazardous Waste. (Provided that the use is consistent with the Alameda County Hazardous Waste Management Plan and the San Leandro General Plan.)
17. Massage Therapy.
18. Public Safety Facilities.
19. Restaurants, Full-Service.
20. Service Stations.
21. Utilities, Major.
22. Vehicle/Heavy Equipment Dealers, Used.
23. Warehouse - Storage Facilities. (A use permit is required if the proposed use will occupy a building constructed after August 15, 2001, or an existing building will be expanded ten thousand (10,000) square feet to accommodate this use.)

C. IP District – Uses Requiring Administrative Review.

The following uses are allowed in the IP District, subject to the approval of a Zoning Permit by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Automatic Teller Machines.
2. Parcel Processing and Shipping Centers. (Administrative Review is required to occupy thirty thousand (30,000) square feet or more, in a building constructed after August 15, 2001. Standards for review are specified in Section 2-726.G.)
3. Parking Lot.
4. Recycling Facilities, Bulk Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
5. Recycling Facilities, Single-Feed Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
6. Telecommunications Tower, exceeding thirty-five (35) feet in height. [See Section 4-1686: Wireless Telecommunication Facilities {as per Ordinance No. 98-009}].
7. Vehicle/Heavy Equipment Dealers Limited, Used.

D. IP District – Temporary Uses Requiring Administrative Review.

Case 3:07-cv-03605-PJH Document 132-2 Filed 08/27/2008 Page 32 of 40

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2008)

City of San Leandro Zoning Code - Article 7

The following temporary uses are allowed in the IP District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Commercial Filming.
2. Storage Containers, Temporary.
3. Trade Fairs.

2-710 Reserved**2-712 Reserved****2-714 Reserved****2-716 Reserved****2-718 Reserved****2-720 Reserved****2-722 Reserved****2-724 Reserved**

2-726 Additional Use Restrictions: IL, IG, and IP Districts

In addition to the uses listed above, the following regulations shall apply:

- A. Relocated Structures. A use permit shall be required for any commercial use, residential use, day care, animal hospital, or industrial use occupying relocated structures. (See Section 4-1648.)
- B. Fast Food Restaurants shall be subject to the regulations in Section 4-1630.
- C. Service Stations and Automobile Washing is subject to the regulations in Sections 4-1634 and 4-1644.
- D. Industrial Uses are subject to the regulations in Section 4-1636.
- E. Temporary Uses shall be subject to the regulations in Section 5-2222.
- F. Commercial and Accessory Uses shall be subject to the regulations of 4-1676.
- G. Parcel Processing and Shipping Centers are subject to Administrative Review in order to occupy thirty thousand (30,000) square feet or more, in a

Case 3:07-cv-03605-PJH Document 132-2 Filed 08/27/2008 Page 33 of 40

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2008)

City of San Leandro Zoning Code - Article 7

building constructed after August 15, 2001. Zoning Permit review pursuant to Article 21 shall include a review of the proposal's trip generation, potential circulation, and noise generation impacts. Additional information, including but not limited to a traffic study, may be required. The standard for approval is the Zoning Enforcement Official's ability to make the findings required as listed below:

1. That the proposed location of the Parcel Processing and Shipping Center is in accord with the objectives of this code and the purposes of the I District in which the site is located;
2. That the proposed location of the Parcel Processing and Shipping Center and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety, or welfare of persons residing, or working in, or adjacent to, the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity, or to the general welfare of the City;
3. That the proposed Parcel Processing and Shipping Center will comply with the provisions of this Code, including any specific condition required for the proposal in the District in which it would be located; and
4. That the proposed Parcel Processing and Shipping Center will not create adverse impacts on traffic or create demands exceeding the capacity of public services and facilities, which cannot be mitigated.

Development Regulations

2-728 Property Development Regulations: IL, IG, and IP Districts

The following sections set forth the property development regulations of the IL, IG, and IP Districts.

2-730 Minimum Lot Area and Minimum Lot Width

	<u>Minimum Lot Area</u> (square feet)	<u>Minimum Lot Width</u> (feet)
IL	5,000	50
IG	5,000	50
IP	7,500	50

Case 3:07-cv-03605-PJH Document 132-2 Filed 08/27/2008 Page 34 of 40

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2008)

City of San Leandro Zoning Code - Article 7

Section 4-1650: Development on Substandard Lots shall apply to substandard lots. Smaller lot dimensions may be permitted with an approved development plan and tentative subdivision map.

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2008)

City of San Leandro Zoning Code - Article 7

2-732 Minimum Yards

A. Minimum Building Setback and Landscaping. The minimum yard setback for building placement, and minimum area required as a landscaped yard, is as proscribed below. Additional building setback and landscape requirements may also apply as specified in Subsections B, C and D.

	<u>Front</u> <u>(feet)</u>	<u>Side</u> <u>(feet)</u>	<u>Corner Side</u> <u>(feet)</u>	<u>Rear</u> <u>(feet)</u>
IL	10	0	10	0
IG	10	0	10	0
IP	20	0	20	0

B. Minimum Yard Setbacks, Additional Regulations:

1. Front, side, corner side, and rear yards shall be subject to the regulations of Section 4-1654: Building Projections into Yards and Courts.
2. Double-frontage lots shall provide the minimum front yards setback on each frontage.
3. The setback of an adjacent R, C, or P district applies if within one hundred (100) feet.
4. The areas within a minimum required front and corner side yard shall be landscaped, excepting limited areas for driveways and walks, and prescribed by Article 19: Landscape Requirements.
5. The maximum allowable height of a fence or wall in minimum yards required by this Section is three (3) feet.

C. Additional Setback Requirement for Properties on Doolittle Drive. The minimum required front and corner side yard is twenty (20) feet. As part of the approval of a Site Development Plan pursuant to Chapter 25, a setback of less than twenty (20) feet, but not less than ten (10) feet, may be permitted if a twenty (20) foot setback is not practical due to pre-existing site constraints and substantial landscaping is provided to mitigate the reduced yard setback.

D. Additional Setback Requirement for Buildings Over Twenty (20) Feet in Height (IL and IG Districts). For buildings over twenty (20) feet but not over forty (40) feet in height, the minimum required front and corner side yard of ten (10) feet shall be increased by one (1) foot for each additional two (2)

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2008)

City of San Leandro Zoning Code - Article 7

feet of building height in excess of twenty (20) feet. For buildings over forty (40) feet in height, the minimum required yard is twenty (20) feet. As part of the approval of a Site Plan pursuant to Chapter 25, a setback of less than twenty (20) feet but not less than ten (10) feet, may be permitted if a twenty (20) foot setback is not practical due to pre-existing site constraints and substantial landscaping is provided to mitigate the reduced yard setback.

2-734 Maximum Height of Structures

A. Maximum Height. The maximum height of structures shall be as prescribed below. Additional height regulations may also apply as specified in Subsection B and C:

	<u>Height</u> (feet)
IL	35
IG	35
IP	35

B. Additional Height limitations for Buildings within One Hundred (100) Feet of an R District. The allowed height within one hundred (100) feet of an R District building shall be limited to twenty five (25) feet.

C. Height Limit May Be Adjusted. A maximum building height of fifty (50) feet in the IL and IG Districts may be approved by the Zoning Enforcement Official. [The allowed height within one hundred (100) feet of an IP District building shall be limited to thirty five (35) feet.]

2-736 Maximum Lot Coverage and Maximum FAR

	<u>Maximum Lot Coverage</u>	<u>Maximum FAR</u>
IL	75%	1.0
IG	75%	1.0
IP	40%	0.8

2-738 Minimum Site Landscaping

A. General Landscape Requirements. In addition to the general Landscape Requirements prescribed in Article 19, the following requirements for minimum site landscaping apply to all property within any I District. As part of the Site Plan Approval process pursuant to Article 25, exceptions to the stated requirements for "minimum site landscaping" may be permitted in

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2008)

City of San Leandro Zoning Code - Article 7

cases where such standards are found not to be practical due to pre-existing site constraints.

B. Minimum Site Landscaping. The minimum percentage of the site that shall be used for landscaping shall be as prescribed below:

Minimum Site Landscaping

IL	5%
IG	5%
IP	15%

2-740 Parcels Adjoining Residential Districts – Additional Development Regulations for New Construction

A. Intent. The purpose of this section is to reduce the potential negative impacts of expanding industrial activities to the residents within adjoining Residential Districts by establishing heightened screening and site development standards for new and expanded projects.

B. Applicability. The requirements of this Section apply to construction and/or activities within two hundred (200) feet from the edge of a Residential District. The requirements of this Section do not apply to industrial parcels that are separated from a Residential District by either an active mainline railroad right-of-way or Interstate 880.

C. Development Requirements. Notwithstanding the minimum yard and landscape requirements for property within the IL, IG and IP Districts, the following additional development standards shall apply:

1. Orientation of Truck and Storage Facilities. The sound, traffic and visual impacts of truck facilities, such as new or expanded truck bays and docks, and truck staging/storage yards, shall be minimized by such design features as building placement, sound walls, and/or landscaping. Truck facilities shall be oriented and/or screened as to provide the greatest possible physical and/or visual separation between the truck facility and the residences.
 - a. Certain New Facilities Require Site Plan Approval: Per Section 5-2502.B.4.d, the creation of, or addition to, any substantial outdoor storage area or truck loading bays that would be visible from off-site require Site Plan Approval as prescribed in Article 25.
2. Required Installation of Mitigating Features for New Truck Docks: When new truck docks are built, or unused truck docks that have been “glassed in” by previous tenants/users are to be newly used,

Case 3:07-cv-03605-PJH Document 132-2 Filed 08/27/2008 Page 38 of 40

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2008)

City of San Leandro Zoning Code - Article 7

the following mitigating features are to be installed, and shall be made a requirement of Building Permit approval:

- a. Rubber Loading Bay Bumpers shall be installed on all new and newly used truck dock bays.
- b. Notification signage, advising employees and truck operators that the subject establishment is adjacent to residences, and that as a courtesy to neighbors, noise from shipping and trucking activity should be kept to a minimum, shall be placed in the truck staging area.
- 3. Attenuation of Noise Generating Equipment: Noise generating equipment, such as generators, HVAC units, and garbage facilities, shall be located and/or structurally screened, or enclosed, as to minimize impacts on adjacent residents. Prior to issuance of a building permit or electrical permit for the installation of such equipment, the Zoning Enforcement Official may require that the applicant/owner provide a noise study by an acoustical engineer and may impose conditions to reduce noise impacts.
 - a. Adjustments to Attenuation Requirements for Emergency Generators. The Zoning Enforcement Official, in reviewing a request for a building or electrical permit for the installation of an emergency generator (such as one to be used during temporary power outages or in similar limited use situations), may adjust or reduce the requirements for noise attenuation to correspond to the duration, frequency or intensity that the generator is to operate.
- 4. Required Separation/Mitigation Adjacent to Residential Parcel: Either a landscaped buffer and/or a masonry wall shall be provided along rear and side property lines, which are adjacent to residential parcels, as required as part of an approved Site Development Plan per Article 25.
 - a. Option of Yard Setback. In cases where a building would otherwise be permitted with no rear or side yard setback, a minimum side and/or rear yard of ten (10) feet shall be provided, which shall be used exclusively for the planting of a landscape screen. Evergreen trees with spacing not to exceed twenty (20) feet, and of a minimum fifteen (15) gallon size, shall be provided within the required yard. Tree selection shall provide for a near total screen, up to a height of twenty (20) feet within five (5) years from planting. Such landscaping shall be permanently maintained.

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2008)

City of San Leandro Zoning Code - Article 7

- b. Option of Masonry Wall. A minimum eight (8) foot high wall shall be provided adjacent to residential parcels, as required by Section 4-1642, or as high as required by acoustical analysis (to be provided by applicant), when a vacant industrial parcel is developed or an existing use is expanded so as to significantly increase the potential for additional traffic and/or noise impacts to the residential areas. A wall will typically be required whenever an active service, staging and/or storage yard is immediately adjacent to a residential parcel.

2-741 Parcels Adjoining Residential Districts – Additional Performance Standards

- A. Intent. The purpose of this section is to reduce the potential noise impacts to the residents within adjoining Residential Districts, from late night/early morning activity, by establishing performance standards for all businesses.
- B. Applicability. The requirements of this Section apply to activities within two hundred (200) feet from the edge of a Residential District. The requirements of this Section do not apply to industrial parcels that are separated from a Residential District by either an active mainline railroad right-of-way or Interstate 880.
- C. Performance Standards for Loading and Shipping Activity. To reduce impacts on adjoining residents, those uses conducting loading and shipping activity between the hours of 10:00 p.m. and 7:00 a.m. shall avoid generating extraneous noise that can be heard by adjoining residents (e.g. loud conversations, playing of recorded music and/or radio broadcasts, or motorized noises from prolonged use of equipment or vehicles).
- D. Adjoining Residents May File Complaint Against Industrial Businesses. Residents may file a written complaint against businesses that are alleged to be in violation of the performance standards outlined in Subsection C, above. If the Zoning Enforcement Official determines that the business is in violation, written notification of the violation shall be given to the violator and the complaining party. Determination of a violation, and/or resolution of continuing violations once notification has been made, may be subject to a hearing of the Site Development Sub-Commission. Failure to conform to the requirements of the Sub-Commission hearing may be cited as a violation of this code, pursuant to Section 5-2908.

Case 3:07-cv-03605-PJH Document 132-2 Filed 08/27/2008 Page 40 of 40

Adopted 7/16/2001 – Effective 8/15/2001
(includes amendments effective through 2008)

City of San Leandro Zoning Code - Article 7

2-742 Additional Property Development Regulations: IL, IG, and IP Districts

In addition to the development regulations listed above, the following regulations shall apply:

- A. Fences, Walls, and Hedges shall be subject to the regulations of Section 4-1682: Fences, Walls, and Hedges.
- B. Off-Street Parking and Loading shall be subject to the regulations of Article 17: Off-Street Parking and Loading Regulations.
- C. Signs shall be subject to the regulations of Article 18: Signs.
- D. Outdoor Facilities and Outdoor Storage shall be subject to the regulations of Section 4-1662: Outdoor Facilities and Storage/Loading Facilities and 4-1672: Earth Station and Microwave Equipment. All outdoor storage and refuse storage areas shall be maintained in a neat and orderly manner and screened so as not to be visible from any street, public way, or R district.
- E. Screening of Mechanical Equipment shall be subject to the regulations of Section 4-1664: Screening of Mechanical Equipment and 4-1672: Earth Station and Microwave equipment.
- F. Refuse Storage Areas shall be subject to the regulations of Section 4-1666: Refuse Storage Areas. All outdoor storage and refuse storage areas shall be maintained in a neat and orderly manner and screened so as not to be visible from any street, public way, or R district.
- G. Underground Utilities shall be subject to the regulations of Section 4-1668: Underground Utilities.
- H. Performance Standards shall be subject to the regulations of Section 4-1670: Performance Standards.
- I. Airport Safety Zones shall be subject to the regulations of Section 4-1676: Airport Safety Zones.
- J. Nonconforming Structures and Nonconforming Signs shall be subject to the regulations of Article 20: Nonconforming Uses and Structures.

2-744 Review of Plans

Certain projects shall be subject to Site Plan review (see Article 25: Site Plan Approval).